

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

)	
SYNVENTIVE MOLDING SOLUTIONS, INC.)	
)	
	Plaintiff,)	Civil Action No. 2:08-cv-136
)	
v.)	Hon. William K. Sessions III
)	
HUSKY INJECTION MOLDING SYSTEMS, INC.)	Jury Trial Demanded
)	
	Defendant.)	
)	

**HUSKY’S MOTION FOR LEAVE TO AMEND ITS ANSWER, AFFIRMATIVE
DEFENSES, AND COUNTERCLAIMS TO ADD ITS INEQUITABLE CONDUCT
AFFIRMATIVE DEFENSE AND COUNTERCLAIM**

Husky Injection Molding Systems, Inc. (“Husky”) requests leave to file an Amended Answer, Affirmative Defenses, and Counterclaims to include an inequitable conduct affirmative defense and counterclaim. More particularly, Husky’s proposed Amended Answer, Affirmative Defenses, and Counterclaims includes an affirmative defense and counterclaim for unenforceability based on the patent applicant’s failure to disclose material information about the prior art Kona Valve Gate System to the PTO during prosecution of the Synventive Molding Solutions, Inc. (“Synventive”) patent applications. In support of this Motion, Husky submits the related Memorandum of Law and the associated exhibits attached thereto.

Local Rule 7.1(b) Certification

In accordance with Local Rule 7.1(b), Husky's counsel has attempted to obtain Synventive's concurrence to this Motion. Specifically, on August 15, 2009, Husky's counsel, Mr. Shull, contacted Synventive's counsel, Messrs. Carleton and Oliverio, via email to seek

Synventive's concurrence. As of the filing of this motion, Synventive's counsel did not respond to Mr. Shull's August 15 email.

Respectfully submitted,

Dated: August 17, 2009

By: 

Karen McAndrew
Dinse, Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402
Ph.: 802-864-5751
Fax: 802-862-6409

Marc S. Cooperman
Janice V. Mitrius
Matthew P. Becker
Jason S. Shull
Katherine L. Becker
Banner & Witcoff, Ltd.
10 S. Wacker Drive, Suite 3000
Chicago, IL 60606
Ph: 312-463-5000
Fax: 312-463-5001

Attorneys for Defendant
Husky Injection Molding Systems, Inc.